



2-25-03

PTO/SB/29 (10-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL****Submit an original, and a duplicate for fee processing.**
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable

☒ DUPLICATE

Address to:

**Box CPA
Commissioner for Patents
Washington, DC 20231**Attorney Docket No. of
Prior Application**210121.419C7**

First Named Inventor

Tony N. Frudakis

Examiner Name

Alana M. Harris

Group Art Unit

1642

Express Mail Label No.

EV170136277USThis is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),(continued prosecution application (CPA)) of prior application number **09/534,825**, filed on **March 23, 2000**,
entitled **COMPOSITIONS AND METHODS FOR THE TREATMENT AND DIAGNOSIS OF BREAST
CANCER**.**NOTES**

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☒ A new associate power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. ☒ Information Disclosure Statement (IDS) is enclosed:
 - a. ☒ PTO-1449
 - b. ☒ Copies of IDS Citations (47)

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box CPA, Washington, DC 20231.

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02 FC:1201

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR 1.16(c) or (j))	9-20* =	0	x \$ _____ =	\$
	INDEPENDENT CLAIMS 37 CFR 1.16(b) or (i))	4-3** =	1	x \$84=	84
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))			x \$ _____ =	
				BASIC FEE (37 CFR 1.16)	750
	Total of above Calculations =				834
	Extension of Time Fee				930
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.			TOTAL =	1,764

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 19-1090:

a. ☒ Fees required under 37 CFR 1.16.

b. ☒ Fees required under 37 CFR 1.17.

c. ☐ Fees required under 37 CFR 1.18.

8. ☒ A check including the amount of \$1,764 is enclosed.

9. ☐ Payment by credit card. Form PTO-2038 is attached.

10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.

11. ☐ New Attorney Docket Number, if desired _____
[Prior application Attorney Docket Number will carry over to this CPA unless a new Attorney Docket Number has been provided herein.]


12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)

b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

13. ☒ Other: Formal Drawings (19 sheets) (Figs. 1-24)

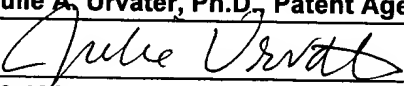
NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	 00500 PATENT TRADEMARK OFFICE	or <input type="checkbox"/> New correspondence address below
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Country	Telephone	Fax			

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Julie A. Urvater, Ph.D., Patent Agent
Signature	
Registration No. (Attorney/Agent)	50,481
Date	February 21, 2003

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Tony N. Frudakis et al.
Application No. : 09/534,825
Filed : March 23, 2000
For : COMPOSITIONS AND METHODS FOR THE
TREATMENT AND DIAGNOSIS OF BREAST CANCER

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3-2003

Examiner : Alana M. Harris
Art Unit : 1642
Docket No. : 210121.419C7
Date : February 21, 2003

BOX CPA
Commissioner for Patents
Washington, DC 20231

SUPPLEMENTAL RESPONSE

Commissioner for Patents:

The above named application is a continuing prosecution application filed on February 21, 2003. This response addresses the final rejection mailed August 27, 2002, of the parent application. Favorable consideration of the instant application is respectfully requested in view of the following remarks.

REMARKS

Claims 61-69 are currently pending. Claims 4-16 and 21-60 stand withdrawn from consideration, but it should be noted that these claims were cancelled in the amendment filed November 6, 2002. Accordingly, claims 61-69 are currently under

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